

Remarks

I. Introduction

This is in response to the Office Action dated 10/20/2011.

Claims 80, 100, 116-124 were rejected under 35 U.S.C. §102(e) as being anticipated by Vega (US 2002/0120554) (hereinafter, "Vega").

Claims 63-72, 75-83, 85-86, 89-102, 104-111 and 113-124 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-61 of U.S. Patent No. 7,848,496 (the "496 Patent").

Claims 63-72, 75-83, 85-86, 89-102, 104-111 and 113-124 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-168 U.S. Patent No. 7,839,984 (the "984 Patent").

Claims 63-72, 75-83, 85-86, 89-102, 104-111 and 113-124 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-91 of U.S. Patent No. 7,835,509 (the "509 Patent").

Claims 63-72, 75-83, 85-86, 89-102, 104-111 and 113-124 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-87 of U.S. Patent No. 7,835,508 (the "508 Patent").

Claims 63-72, 75-83, 85-86, 89-102, 104-111 and 113-124 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-195 of U.S. Patent No. 6,323,894 (the "894 Patent").

Claims 1-82, 84, 87, 88, 93, 94, 96, 99, 100, 102-120, 122, 123 and 124 have been canceled. Claims 83, 89-92, 97, 98, 101 and 121 have been currently amended. Claims 83, 85, 86, 89-92, 97, 98, 101 and 121 remain for consideration. Claims 125-203 have been added, early consideration of which is respectfully requested.

II. Double Patenting

Claims 63-72, 75-83, 85-86, 89-102, 104-111 and 113-124 were rejected on the ground of non-statutory obviousness-type double patenting. Independent

Claims 82, 102, 116 and 122 have been canceled. New independent Claims 125, 145, 159, 172 and 188 have been added.

Solely for the purposes of expediting prosecution, three terminal disclaimers under 37 CFR §1.321(c) are being filed concurrently herewith; the first regarding the '509 Patent, the second regarding the '894 Patent and the third regarding the '984 Patent. Applicant traverses the double patenting rejection with respect to the '496 and '508 Patents.

Applicant respectfully submits that independent Claims 125, 145, 159, 172 and 188 herein contain limitations that are patentably distinct from the claims of the '496 and '508 Patents. In particular, new independent Claim 125 includes the limitation "interfacing one or more buyers with one or more live operator stations under control of the one or more multiple coordinated central control units, wherein at least one of the one or more live operator stations has graphics display capabilities and has access to at least certain data associated with the one or more multiple coordinated central control units". As the claims of the '496 and '508 Patents do not disclose or suggest interfacing buyers with live operator stations, new independent Claim 125 is not obvious over the claims of '496 and '508 Patents.

New independent Claim 145 includes the limitations "receiving request data from at least one buyer, the request data including one or more merchandise or service categories and subcategories and an indication of a price the at least one buyer is willing to pay for merchandise or services relating to the one or more merchandise or service categories and subcategories" and "maintaining in a memory associated with the one or more multiple coordinated central control units data indicating a rating or a priority designation, or both, for at least one of the one or more vendors". As the claims of the '496 and '508 Patents do not disclose or suggest request data including one or more merchandise or service categories and subcategories or maintaining ratings or priority designations for vendors, new independent Claim 145 is not obvious over the claims of the '496 and '508 Patents.

New independent Claim 159 includes the limitation “storing ratings data relating to the one or more vendors”. As the claims of the ‘496 and ‘508 Patents do not disclose or suggest storing vendor ratings data, new independent Claim 159 is not obvious over the claims of the ‘496 and ‘508 Patents.

New independent Claim 172 includes the limitations “receiving an indication of a price at least one buyer is willing to pay for merchandise or services relating to the one or more merchandise or service categories and subcategories, wherein the proposed data is selected by the at least one buyer based on the price” and “maintaining in a memory associated with the one or more multiple coordinated central control units data indicating a rating or a priority designation, or both, for at least one of the one or more vendors”. As the claims of the ‘496 and ‘508 Patents do not disclose or suggest proposed data being selected by a buyer based on price or maintaining ratings or priority designations for vendors, new independent Claim 172 is not obvious over the claims of the ‘496 and ‘508 Patents.

New independent Claim 188 includes the limitations “transmitting to one or more buyers a first message including data relating to merchandise or service offerings of one or more vendors”, and “interfacing one or more buyers with one or more live operator stations under control of the one or more multiple coordinated central control units”. As the claims of the ‘496 and ‘508 Patents do not disclose or suggest transmitting to one or more buyers a message including data relating to merchandise or service, or interfacing buyers with live operator terminals, new independent Claim 188 is not obvious over the claims of the ‘496 and ‘508 Patents.

Further, currently pending dependent Claims 83, 85, 86, 89-95, 97-99, 101 and 121 depend either directly or indirectly from independent Claim 125 and, for at least the reasons cited above with respect to new independent Claims 125, are therefore also not obvious over the claims of the ‘496 and ‘508 Patents.

III. Rejections under 35 U.S.C. § 102

Claims 80, 100, 116-124 were rejected under 35 U.S.C. §102(e) as being anticipated by Vega. Claims 80, 100, 116-120, 122, 123 and 124 have been canceled. Claim 121 has been amended and does not depend from a claim that references "mobile terminals". As such, amended Claim 121 is supported by parent application U.S. Serial No. 08/189,405 (now U.S. Patent No. 6,323,894), which has a filing date of January 27, 1994. The interim applications, U.S. Serial Nos. 10/323,222 (now abandoned) and 09/371,212 (now U.S. Patent No. 7,848,496), are continuations of the parent application. Therefore, Applicant respectfully submits that Vega (filed on February 28, 2001) is not prior art to amended Claim 121. Withdrawal of the rejections under 35 U.S.C. §102(e) is respectfully requested.

IV. No New Matter

No new matter has been added by this amendment. The amendments to the Claims and new Claims 125-203 are supported throughout the specification as filed and at least at paragraphs [0036] - [0037], [0041] – [0044], [0052], [0085] – [0088], [0102] – [0114] and at Figs. 6 and 8.

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested. The Applicant also respectfully requests that the Examiner contact the Applicant via telephone after a search for relevant art related to the present Office Action response has been conducted.

Respectfully submitted,

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